UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/809,628 | 03/25/2004 | Nagaraja Rao | 2003P04328 US01 | 7484 |

7590     09/12/2007

Elsa Keller
Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

| EXAMINER |
|---|
| OKORONKWO, CHINWENDU C |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2136 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 09/12/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/809,628 | RAO ET AL. |
| | Examiner | Art Unit | |
| | Chinwendu C. Okoronkwo | 2136 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on <u>25 March 2004</u>.

2a) ☐ This action is **FINAL.**    2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) <u>1-16</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-16</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>25 March 2004</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All  b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>20040816</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

## DETAILED ACTION

### *Priority*

1.      Applicant's claim for the benefit of a prior-filed application under 35 U.S.C.

119(a)-(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged, however the priority

claim is made invalid as the priority protection is now expired. Priority is claimed under

Provisional Applications 60/457349.

### *Information Disclosure Statement*

2.      For the record, the Examiner acknowledges that the IDS submitted on

08/16/2004. It has been received and considered.

### *Oath/Declaration*

3.      For the record, the Examiner acknowledges that the Oath/Declaration submitted

on 03/25/2004 has been received and considered.

### *Drawings*

4.      For the record, the Examiner acknowledges that the Drawings submitted on

03/25/2004 have been received and considered.

### *Specification*

5.      For the record, the Examiner acknowledges that the Specification submitted on

03/25/2004 has been received and considered.

6.     Pursuant to USC 131, claims 1-16 are presented for examination.

7.     Claims 1-16 are pending.


### Claim Rejections - 35 USC § 103

8.     The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.


Claim 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lumme et al. (US Patent Application Publication No. 2002/0049913 A1).


Regarding claim 1, Lumme et al., discloses a method for securing lawful intercept

related data collected by a switch of a telecommunications service provider and

stored in a database associated with the switch, comprising the steps of:

encrypting that portion of the database including the intercept related data (col. 4

lines 62-67 and col. 5 lines 1-3).


Lumme et al. does not explicitly disclose preventing another entity outside

the telecommunications service provider from decrypting that portion of

the database including the intercept related data without authorization

from the telecommunications service provider, however it would have

been obvious for one of ordinary skill in the art, at the time of the

invention, to modify the interception system and method of <u>Lumme et al.</u>

to protect the intercepted data in such a way as to prevent another entity

outside the telecommunications service provider from decrypting that

portion of the database.  The benefit of this modification would be that the

intercepting entity maintains the objective of the interception, namely to

collect information/data to be used specifically by the requesting/proper

law enforcement organizations.


Regarding <u>claim 2</u>, <u>Lumme et al.</u>, discloses the method according to claim 1,

further comprising the step of creating a logical key at the telecommunications

company that allows that portion of the database including the intercept related

data to be decrypted (col. 8 lines 47-67 and col. 9 lines 52-56).


Regarding <u>claim 3</u>, <u>Lumme et al.</u>, discloses the method according to claim 1,

further comprising the step of inserting the logical key into that portion of the

database including the intercept related data to be encrypted (col. 4 lines 62-67

and col. 5 lines 1-3).


Regarding <u>claim 4</u>, <u>Lumme et al.</u>, discloses the method according to claim 1,

further comprising the step of creating the key creates a software key that is used

for the encryption of that portion of the database including the intercept related

data (col. 10 lines 66-67 and col. 11 lines 1-39).

Regarding claim 5, Lumme et al., discloses the method according to claim 1,

further comprising the step of blocking access to display commands that cause

that portion of the database including the intercept related data to be displayed

by the switch (col. 3 lines 26-36).

Regarding claim 6, Lumme et al., discloses the method according to claim 1,

further comprising the step of sending the database to a vendor with that portion

of the database that is encrypted (col. 3 lines 56-59).

Regarding claim 7, Lumme et al., discloses the method according to claim 6,

further comprising the step of upgrading by the vendor without the need to

decrypt or otherwise provide access to the sensitive intercept related data (col. 8

lines 47-67 and col. 9 lines 52-56).

Regarding claim 8, Lumme et al., discloses the method according to claim 1,

further comprising the step of storing programming code for controlling the switch

in that portion of the database including the intercept related data (col. 3 lines 26-

59).

Regarding claim 9, Lumme et al., discloses the method according to claim 1,

further comprising the step of providing protection for the intercept related data in

accordance with a lawful intercept legislation (col. 1 lines 32-52).

Regarding claim 10, Lumme et al., discloses the method according to claim 9,

wherein the lawful intercept legislation is CALEA (col. 1 lines 32-52).

Regarding claim 11, Lumme et al., discloses an apparatus for securing

intercepted telecommunications data collected by a telecommunications service

provider, comprising: a database for storing the intercept related data (col. 3 lines

26-59); and a logical key at the telecommunications company that allows that

portion of the database including the intercept related data to be decrypted (col.

10 lines 66-67 and col. 11 lines 1-39).

Regarding claim 12, Lumme et al., discloses the apparatus according to claim

11, further comprising a switch at the telecommunications service provider (col. 1

lines 31-32).

Regarding claim 13, Lumme et al., discloses the apparatus according to claim

11, wherein the logical key is a software key that used for the encryption of that

portion of the database including the intercept related data (col. 10 lines 66-67

and col. 11 lines 1-39).

Regarding <u>claim 14</u>, <u>Lumme et al.</u>, discloses the apparatus according to claim

11, further comprising a vendor switch (col. 1 lines 31-32).

Regarding <u>claim 15</u>, <u>Lumme et al.</u>, discloses the apparatus according to claim

14, wherein the vendor switch is programmed to prevent display of commands

that cause that portion of the database including the intercept related data to be

displayed (col. 1 lines 20-41).

Regarding <u>claim 16</u>, <u>Lumme et al.</u>, discloses the apparatus according to claim

11, wherein the database includes upgradeable control data for controlling the

switch (col. 10 lines 66-67 and col. 11 lines 1-39).

### *Conclusion*

9.      Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Chinwendu C. Okoronkwo whose telephone number is

(571) 272 2662.  The examiner can normally be reached on MWF 9:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nasser Moazzami can be reached on (571) 272 4195.  The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CCO

September 5, 2007

NASSER MOAZZAMI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100